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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

WESTERN WATERSHEDS PROJECT
al.,

Plaintiffs,

vs.

RANDY MOORE, in his official capacity
as Chief of the U.S. Forest Service, et al.,

Federal-Defendants.

Case No. 9:22-cv-00149-DLC-
KLD

**DECLARATION OF SARA
JOHNSON**

Pursuant to 28 U. S. C. § 1746, I, Sara Johnson, declare under penalty of perjury that the following is true and correct:

1. I am a resident of Three Forks, Montana.

2. I am the Director of Native Ecosystems Council, a Plaintiff in this case, which was founded in 1992. Native Ecosystems Council is a conservation organization focused on the protection of wildlife and wildlife habitat on public lands in the Northern Rockies Bioregion of the United States, including the Greater Yellowstone Ecosystem. This ecosystem covers extensive portions of the Custer-Gallatin National Forest, where the East Paradise Project is located. An undetermined number of grizzly bears of the Greater Yellowstone population reside within this East Paradise landscape.

3. Native Ecosystems Council's program seeks to protect and restore ecosystems and associated wildlife, including ensuring that there is sufficient secure habitat to recover the Yellowstone grizzly bear population. Secure habitat is an area where conflicts between grizzly bears and human uses, such as livestock grazing, are not expected to result in direct mortality of grizzly bears or management removal triggered by human/bear conflicts, such as grizzly bear predation on livestock. Such management removals of grizzly bears in the East Paradise landscape will likely be triggered with the increased area and extended grazing season resulting from the

East Paradise decision on the Custer-Gallatin National Forest. Such management removals will not only reduce the size of the Yellowstone grizzly bear population, but also reduce the potential of genetic exchange between this population and a second grizzly bear population that occurs farther to the north in the Northern Continental Divide Ecosystem. This, in turn, will harm Native Ecosystems Council's interests and my personal interests in grizzly bear conservation, not only in the Yellowstone region but in the lower 48 States. The East Paradise landscape provides one of the potential connecting corridors for grizzly bears between these two ecosystems. Dispersal of grizzly bears between these two populations will promote viability of both populations by increasing genetic diversity, and will foster the recovery of the species as a whole.

4. I am intimately familiar with the landscape conditions of the East Paradise area, as I completed extensive hiking there between 1980-1988 when I was a wildlife biologist on the Gallatin National Forest. My duties included work on what were then called the Livingston and Gardiner Ranger Districts. During that time, I did a habitat inventory for the planned logging project up Mill Creek, where the Mill Creek Allotment of the East Paradise landscape is located. My work included hiking into planned logging areas south of Forest Service Road #486, including up past Wicked Creek and the Snowbank Campground. On one of those days, I located a

Northern Goshawk nest due to food begging calls of the goshawk nestlings. When I approached the nest, I was relentlessly dive-bombed by an adult goshawk, and I had to leave the area!

5. Also during my work as a wildlife biologist that included the above two ranger districts in the 1980s (which overlap with the East Paradise project area), I spent quite a few days during one winter looking at elk and mule deer use on winter ranges. On the Gardiner Ranger District, I looked at logged winter ranges in the Eagle Creek area, and noted that heavy snow depths in clear-cuts prevented any big game winter use. On the Livingston Ranger District, I hiked up through a number of areas of the North Sixmile Allotment. I was interested in the elevational range of winter use, especially by elk, which required hiking up to various ridgetops between Emigrant Gulch south to Sixmile Creek. I noted that elk winter use declined as the elevation increased.

6. Also in the 1980s I made a field visit to the Pine Creek Campground which occurs on the Pine Creek Allotment, to look at livestock grazing use impacts. There were likely conflicts between livestock grazing and recreational use.

7. Although it has been many years since I hiked through the Mill Creek and Sixmile North Allotments in the East Paradise landscape, I intend to return once again simply to recreate. . This coming August, 2024, and possibly in future years as

well, I intend to hike up through public lands of the Suce Creek drainage with several friends who live in this area. I will also likely explore other areas of the Absaroka Mountains where the East Paradise allotments are located. These friends who live near the area have documented considerable grizzly bear use of the Suce Creek drainage in recent years. I hope to have the opportunity to view grizzly bears or their tracks, scat, or presence when I visit the East Paradise project area.

8. In addition to having been present a number of times on the East Paradise landscape as a wildlife biologist and recreationist, in my role as Director of Native Ecosystems Council, I have participated in the public involvement opportunities for East Paradise project. On December 4th of 2020, as Director of Native Ecosystems Council, I signed and submitted comments identifying concerns regarding the Forest Service's proposed management direction for the East Paradise Range Allotments, as defined in an Environmental Assessment (EA). And on June 28, 2021, as Director of Native Ecosystems Council, I signed an Objection against the proposed draft decision and Finding of No Significant Impact (FONSI) for the East Paradise Range Allotment Management Plan. This Objection included two appendices, including reports of increasing grizzly bear mortality in the Greater Yellowstone Ecosystem, including many mortalities which were associated with livestock predation. These reports were provided to substantiate a concern I have

that the proposed grazing changes for the East Paradise landscape would trigger removals of grizzly bears due to livestock predation.

9. I am personally familiar with the potential of grizzly bears to prey on livestock. Shortly after I obtained a Ph.D. in biology at Montana State University in 1974, I began working as a wildlife biologist on the Targhee National Forest in southeastern Idaho. In that position, from 1976-1977, I was responsible for a monitoring program of grizzly bear/sheep conflicts on grazing allotments immediately adjacent to the southwest corner of Yellowstone National Park. This monitoring program resulted in a publication in the *Journal of Wildlife Management*, authored by myself and a co-worker on the project, David Griffel. This article, titled “Sheep losses on grizzly bear range,” was published in the Journal, Issue # 46, in 1982.

10. This monitoring program demonstrated that grizzly bears are an opportunistic predator, with their predation on sheep occurring on the majority of sheep grazing allotments in the study area. In two years of monitoring, six individual grizzly bears were known to be killing sheep. This number did not include another incident in another area of the Targhee National Forest where two young female grizzly bears killed 30 sheep in one night on a grazing allotment in the Two Top area, directly west of Yellowstone National Park. Although this monitoring program

dealt with grizzly bear/sheep conflicts, grizzly bears are known to kill both calves and adult cows as well, as per the reports I provided along with Native Ecosystems Council's Objection against the East Paradise Project.

11. This monitoring program indicated that given a grizzly bear's propensity to prey on easy targets (domestic sheep in this case), once this occurs, either the offending bear or the targeted livestock will have to be removed to end this conflict. For example, we recorded a loss of 13 sheep over a 2-week period where agency management efforts to trap and radio-collar the offending grizzly bear failed.

12. It is likely that the number of sheep-killing grizzly bears identified in this monitoring program was lower than occurred during previous years because this monitoring program began in 1976, or a year after the grizzly bear was listed as a threatened species. Prior to this listing, the direct killing of grizzly bears by sheep herders and/or permittees, or due to management removal of sheep-killing grizzly bears by U.S. Fish and Wildlife Service predator control personnel, may have occurred given the long-standing sheep grazing practices in this occupied grizzly bear habitat. This would have intermittently reduced the local grizzly bear population that used these grazing allotments. Even at the time of this monitoring program, when the grizzly bear was first listed as a threatened species, grizzly bear/livestock conflicts

were hazardous to grizzly bears; 3 radio-collared sheep-killing grizzly bears were found dead, or simply disappeared.

13. Based on my experience, I believe that the East Paradise Project threatens my interests and those of the Native Ecosystems Council and its members with imminent, concrete and particularized injury to our esthetic, recreational, scientific, spiritual and educational interests in important wildlife habitat on the Custer-Gallatin National Forest, including vital grizzly bear habitat in the East Paradise Project Area. Cumulative impacts of this proposal will not only result in the likely perpetual removal of any grizzly bear, including sow/cub groups, that kill livestock on these allotments, but as a result, will irreparably harm the effectiveness of this important wildlife corridor for grizzly bear connectivity and genetic interchange across the state of Montana.

14. If Native Ecosystems Council is successful in this litigation, the harms to our interests will be alleviated. The National Environmental Policy Act (NEPA) requires federal agencies to take a hard look at the impacts of its proposed action. The Forest Service's failure in abiding by the mandates of federal law in approving continued and expanded livestock grazing in the East Paradise Project area harms my interests in being fully informed and my ability to fully participate in the public process afforded by the NEPA. If the agency is ordered to comply with NEPA and to

take the required hard look at the impacts of the East Paradise Project on grizzly bears and their habitat, I believe the harms to my interests and those of the Native Ecosystems Council's and its members would likely be redressed. If the Forest Service took a hard look at the effects of the East Paradise decision on grizzly bears as required by NEPA, then it would likely have issued a different decision and closed the allotments to grazing. The Forest Service, however, failed to do so and failed to make a fully informed decision as required by the law. The resulting decision is thus less protective of grizzly bears and the important wildlife habitat the East Paradise area affords.

Executed this 4th day of December, 2023, in Three Forks, Montana.



SARA JOHNSON